

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 14, 2013

MR BRUCE DAHLGREN
PLANT MANAGER
BUILDING MATERIALS CORPORATION OF AMERICA
2600 SINGLETON BLVD
DALLAS TX 75212-3738

Re: Permit Amendment Application
Permit Number: 7711A
Asphalt Roofing Production Facility
Dallas, Dallas County
Regulated Entity Number: RN100788959
Customer Reference Number: CN602717464
Account Number: DB-0378-S

Dear Mr. Dahlgren:

This is in response to your letter received September 28, 2012 and your Form PI-1 (General Application for Air Preconstruction Permits and Amendments) concerning the proposed amendment to Permit Number 7711A. We understand that you propose to replace a boiler burner with a larger unit and increase its annual hours of operation. We further understand that you are requesting that your permit reflect the review of maintenance, startup, and shutdown emissions. Also, this will acknowledge that your application for the above-referenced amendment is technically complete as of May 24, 2013.

As indicated in Title 30 Texas Administrative Code § 116.116(b) and § 116.160 [30 TAC § 116.116(b) and § 116.160], and based on our review, Permit Number 7711A is hereby amended. This information will be incorporated into the existing permit file. Enclosed are revised special conditions pages, a maximum allowable emission rates (MAERT) table, and a new permit face to replace those currently attached to your permit. We appreciate your careful review of the special conditions of the permit and assuring that all requirements are consistently met.

Planned startup and shutdown for the sources identified on the MAERT have been reviewed and included in the MAERT. Maintenance activities are not authorized by this permit and will need separate authorization, unless the activity can meet the conditions of 30 TAC § 116.119.

This amendment will be automatically void upon the occurrence of any of the following, as indicated in 30 TAC § 116.120(a):

1. Failure to begin construction of the changes authorized by this amendment within 18 months from the date of this authorization.

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2. Discontinuance of construction of the changes authorized by this amendment for a period of 18 consecutive months or more.
3. Failure to complete the changes authorized by this amendment within a reasonable time.

Upon request, the executive director may grant extensions as allowed in 30 TAC § 116.120(b).

You may file a **motion to overturn** with the Chief Clerk. A motion to overturn is a request for the commission to review the executive director's decision. Any motion must explain why the commission should review the executive director's decision. According to 30 TAC § 50.139, an action by the executive director is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the Chief Clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the Chief Clerk in person, or by mail to the Chief Clerk's address on the attached mailing list. On the same day the motion is transmitted to the Chief Clerk, please provide copies to the applicant, the executive director's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the executive director's approval. According to Texas Health and Safety Code § 382.032, a person affected by the executive director's approval must file a petition appealing the executive director's approval in Travis County district court within 30 days after the **effective date of the approval**. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Your cooperation in this matter is appreciated. If you need further information or have any questions, please contact Mr. Joel Stanford at (512) 239-0270 or write to the Texas Commission on Environmental Quality, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

This action is taken under authority delegated by the Executive Director of the TCEQ.

Sincerely,

Michael Wilson, P.E., Director
Air Permits Division
Office of Air
Texas Commission on Environmental Quality

MPW/js

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Enclosures

cc: Ms. Latha Kambham, Ph.D, Trinity Consultants, Dallas
Section Manager, Air Pollution Control Program, City of Dallas Environmental and Health
Services, Dallas
Air Section Manager, Region 4 - Fort Worth

Project Number: 183376